

30518. Adulteration of Limburger cheese. U. S. v. Four Cases of Limburger Cheese. Default decree of condemnation and destruction. (F. & D. No. 45008. Sample No. 48301-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to contain insects, insect fragments, and rodent hairs.

On March 11, 1939, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of Limburger cheese at Minneapolis, Minn.; alleging that the article had been shipped on or about February 7, 1939, by Badger Brodhead Cheese Co. from Monroe, Wis.; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Wrapper) "Blue Seal Naturally Ripened Limburger Cheese."

It was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On April 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30519. Adulteration of candy. U. S. v. Eight Cartons of Candy. Default decree of condemnation and destruction. (F. & D. No. 43665. Sample No. 37978-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be insect-infested.

On October 20, 1938, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cartons of candy at Hattiesburg, Miss.; alleging that the article had been shipped on or about April 28, 1938, by Hollywood Candy Co. from Minneapolis, Minn.; and charging adulteration in violation of the Food and Drugs Act. The candy was labeled in part "3 Pigs."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On April 11, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30520. Adulteration of tomato puree. U. S. v. Gervas Canning Co., Inc., and Stanley J. Drago. Pleas of guilty. Corporation fined \$100. Stanley J. Drago fined \$100, payment of which was suspended and defendant placed on probation for 1 year. (F. & D. No. 42675. Sample Nos. 35664-D, 35665-D.)

This product contained excessive mold.

On February 27, 1939, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Gervas Canning Co., Inc., Fredonia, N. Y., and Stanley J. Drago, president and treasurer of said corporation, alleging shipment by said defendants on or about September 17 and 28, 1938, from the State of New York into the State of Massachusetts, in violation of the Food and Drugs Act, of quantities of tomato puree which was adulterated. The article was labeled in part: (Cans) "Gervas Brand Tomato Puree."

It was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance, tomato puree that contained excessive mold.

On March 22, 1939, pleas of guilty were entered on behalf of the defendants. The corporation was fined \$100. Stanley J. Drago was fined \$100, payment of which was suspended and he was placed on probation for 1 year.

M. L. WILSON, *Acting Secretary of Agriculture.*

30521. Adulteration of frozen fish. U. S. v. 33 Boxes of Haddock Fillets. Default decree of condemnation and destruction. (F. & D. No. 45076. Sample Nos. 50367-D, 50390-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be in part decomposed.

On March 22, 1939, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 boxes of frozen haddock fillets at Birmingham, Ala.; alleging that the article had been shipped

by the Atlantic Coast Fisheries Corporation of New York, N. Y., from Boston, Mass., on or about February 8, 1939; and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Nordic Hadd Fillets."

Adulteration was alleged in that the article consisted wholly or in part of a decomposed animal substance.

On May 1, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30522. Adulteration and misbranding of tomato catsup. U. S. v. 89 Cases and 42 Cartons of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. Nos. 44825, 44974. Sample Nos. 39810-D, 39847-D.)

Samples of this product were found to contain insect fragments, worm fragments, and rodent hairs. It also was short weight.

On February 10 and March 7, 1939, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 131 cases and cartons of tomato catsup at Seattle, Wash.; alleging that the article had been shipped in interstate commerce on or about January 9 and February 11, 1939, by Val Vita Food Products, Inc., from Los Angeles, Calif.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Monte Rio Tomato Catsup * * * Orange County Cannery, Inc., Fullerton, Calif."

Adulteration was alleged in that the article consisted wholly or in part of a filthy vegetable substance.

Misbranding was alleged in that the statement "Nt. Wt. 14 Oz.," borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was short weight. It was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

30523. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. Rodney Milling Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 42703. Sample No. 3911-D.)

Wheat brown shorts had been substituted in whole or in part for wheat gray shorts in this product. It also contained a larger percentage of crude fiber and a smaller percentage of nitrogen-free extract than declared on the label.

On April 14, 1939, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rodney Milling Co., a corporation trading at Kansas City, Mo., alleging shipment by said company in violation of the Food and Drugs Act on or about October 7, 1938, from the State of Missouri into the State of Texas, of a quantity of wheat gray shorts and screenings that were adulterated and misbranded. The article was labeled in part: (Tag) "Jersey Wheat Gray Shorts and Screenings."

Adulteration was alleged in that wheat brown shorts and screenings had been substituted in whole or in part for wheat gray shorts and screenings, which the article purported to be.

Misbranding was alleged in that the statements, "Wheat Gray Shorts and Screenings" and "Crude Fiber not more than 6.00 Per Cent Nitrogen-Free Extract not less than 55.00 Per Cent," borne on the tag, were false and misleading and were borne on the said tag so as to deceive and mislead the purchaser since the article did not consist of wheat gray shorts and screenings, but did consist in whole or in part of wheat brown shorts and screenings; it contained more than 6 percent, namely, not less than 6.96 percent of crude fiber, and contained less than 55 percent, namely, not more than 53.82 percent of nitrogen-free extract.

On May 5, 1939, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*